

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5968 OF 2002

Vilas Sarjerao Borade ..Petitioner.

Vs.

Maharashtra State Road Transport & Ors. ..
Respondents.

....

Mr. P.S. Dani for the Petitioner.

Mr. G.H. Hegde for Respondent No.1.

....

**CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

6th March, 2006.

P.C. :

1. The Petitioner in this Petition under Article 226 of the Constitution of India has challenged the appointment of Respondent Nos.3, 4 and 5 as Data Processing Officer ignoring the claim of the Petitioner. According to the Petitioner, the said appointment is in breach of the circulars/ policies of Respondent No.1.

2. Shivajirao B. Davkar, Assistant Personnel Officer of MSRTC has in his affidavit in reply stated that the matter regarding appointment of Respondent Nos.3, 4 and 5 was reconsidered by

the Vice Chairman and Managing Director of the Corporation on the basis of an Investigation Report and the said appointment to the post of Data Processing Officer was found to be illegal and therefore the entire appointments were cancelled and the said four officers (three respondents and one more officer) were repatriated to their original post. It is further stated that the entire process of appointing Data Processing Officers has been cancelled and the Corporation shall consider the question of filling of post of Data Processing Officer afresh.

3. The learned counsel appearing for the Petitioner, however, submitted that as per his information some persons are still continuing as Data Processing Officers even though the appointments to the posts are cancelled. The learned counsel appearing for Respondent No.1 after taking instructions from Mr. Shivram Bajirao Dharate, Establishment Supervisor, refuted the statement made by the learned counsel. While refuting the statement made by the learned counsel for the Petitioner, learned counsel for Respondent No.1 stated that at present nobody is working as Data Processing Officer, and that the persons who were appointed now no more work as Data Processing Officer.

4. In view of the above averments, in our opinion, nothing further is required to be done in the matter as the grievance voiced in the Petition no more survives. With this observation we dispose of the Petition reserving liberty to the Petitioner to take appropriate proceedings if at all any cause of action survives.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,

J.